

REMARKS

The present amendment, without prejudice; amends claims 2, 3, 6, 9 and 11; cancels claims 1, 5, 8 and 10; and adds new claims 12-16. Claim 2 was amended to more particularly describe the claimed genus. Consistent with the elected Group I and elected species, the amendment to claim 2 includes  $X^2=CR^3$  and  $R^1$  is being an optionally substituted  $CH_2Het$ . Support for the amendment is provided in the application, for example, on page 7, lines 1-13, page 5, lines 7-8 (preferred  $Q^1$ ) along with the elected compound.

Claims 3 and 11 were amended consistent with claim 2. The amendment to claim 3 is intended to remove compounds not covered by claim 2. The amendment to claim 11 further describes  $R^2$ ,  $R^9$  and  $Q^1$ . Support for the amendment is provided, for example, on page 5, line 8, and page 7, lines 6, 12 and 13.

Withdrawn claims 6 and 9 were amended to depend on claim 2 in the event of a rejoinder.

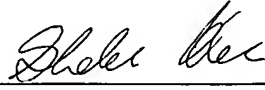
New claim 12 is directed to the elected compound. New claims 13-16 are directed to a pharmaceutical composition comprising the compounds of claims 2, 3, 11 and 12.

Claim 2 stands rejected as allegedly anticipated under 35 U.S.C. § 102(e) by Beaulieu et al. (WO 2004/065367). The rejection argues that claim 2 is not supported by the priority document and refers to WO 2004/065367 compounds 1023 and 1024.

As noted above, claim 2 was amended to more particularly describe the claimed genus. WO 2004/06537 compounds 1023 and 1024 would correspond to claim 2  $R^1$  and  $R^2$  being taken together to form a ring. WO 2004/065367 Compounds 1023 and 1024 are not covered by the genus of claim 2.

Accordingly the claims are in condition for allowance. Please charge deposit account 13-2755 for fees due in connection with this amendment. If any time extensions are needed for the timely filing of the present amendment, applicant petition for such extensions and authorize the charging of deposit account 13-2755 for the appropriate fees.

Respectfully submitted,

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